

AO 91 (Rev. 11/11) Criminal Complaint

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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.
Joseph Todd Kowalczyk

Case No. Case: 2:20-mj-30172
Assigned To : Unassigned
Assign. Date : 5/12/2020
IN RE SEALED MATTER (CMP)(CMC)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 10, 2020 in the county of Macomb in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC § 875(c)	Transmission of a threat to injure

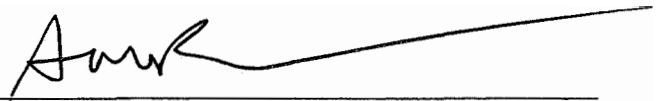
This criminal complaint is based on these facts:
see attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: May 12, 2020

City and state: Detroit, Michigan


Complainant's signature

Anthony M. Resendez, Special Agent (FBI)
Printed name and title


Judge's signature

Hon. R. Steven Whalen, United States Magistrate Judge
Printed name and title

AFFIDAVIT

I, Anthony M. Resendez, being duly sworn, hereby depose and state the following:

I. INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since August 2019. I am currently assigned to the Joint Terrorism Task Force (JTTF) in the Detroit, and investigate terrorism related violations of Title 18 of the United States Code and other violations of federal law.

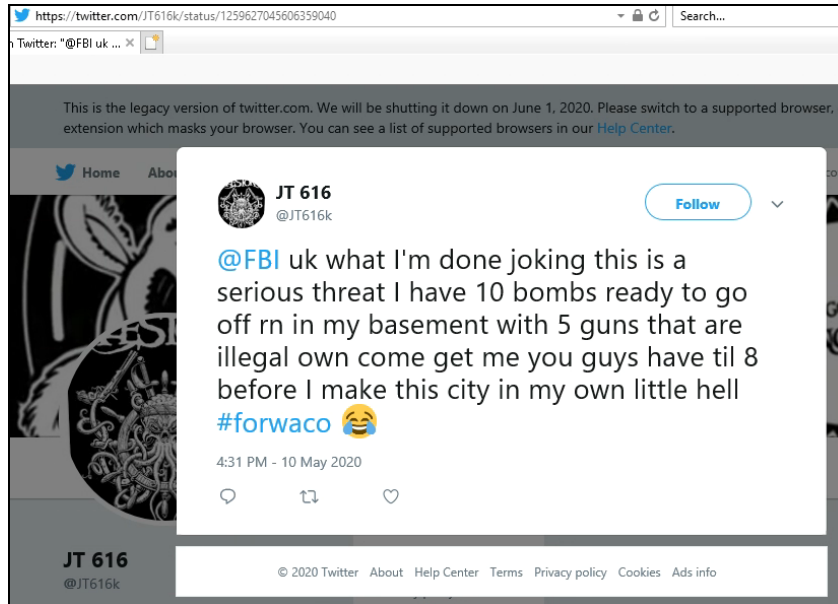
2. This affidavit is in support of a complaint charging Joseph Todd KOWALCZYK (DOB XX/XX/2000) with a violation of 18 U.S.C. § 875(c), transmission of a threat to injure.

3. The facts set forth in this affidavit are based on my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This affidavit is intended to show that there is probable cause for the above described violation and the requested complaint and arrest warrant, and does not purport to set forth all of my knowledge of the investigation into this matter.

II. PROBABLE CAUSE

4. On May 10, 2020, at approximately 7:28 p.m., the FBI National Threat Operations Center received the following comment from Twitter handle

@JT616k: “@FBI uk what I’m done joking this is a serious threat I have 10 bombs ready to go off rn in my basement with 5 guns that are illegal own come get me you guys have till 8 before I make this city in my own little hell #forwaco”:



5. The use of “@FBI” in a Twitter post denotes that the user is intending to communicate directly to the FBI. The @FBI tag resolves to the FBI’s Office of Public Affairs, located in Washington, D.C. Once the FBI Office of Public Affairs reviewed KOWALCZYK’s tweet, they forwarded it to the FBI National Threat Operations Center, which is responsible for gathering and disseminating various threats and intelligence received to the appropriate FBI field office. The FBI National Threat Operations Center is located in Clarksburg, West Virginia.

6. Upon receipt of the Twitter post, the FBI served an Emergency Disclosure Request to Twitter Inc. and identified the telephone number 586-XXX-2282 as associated with the Twitter handle @JT616k. Based on KOWALCZYK

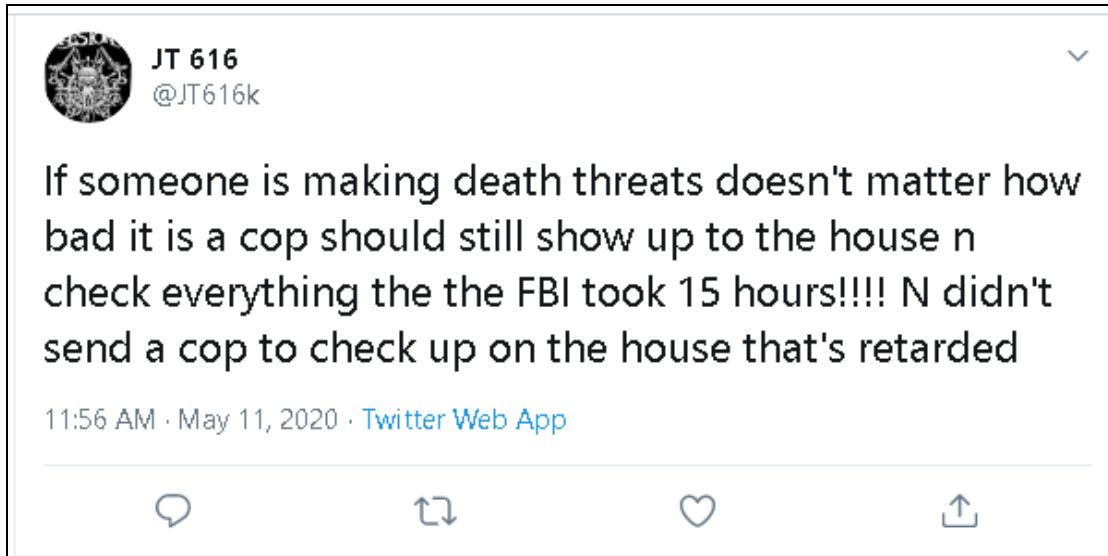
stating that he had illegal firearms and explosives at his residence and intended to use them to injure individuals in his vicinity, the FBI considered this threat imminent and credible under the belief that death or serious physical injury would occur without law enforcement intervention.

7. 586-XXX-2282, a telephone number operated by AT&T, was served with an Emergency Disclosure Request and identified that the telephone was located around the vicinity of S. Keystone Court, Clinton Township, MI. An open source search showed that the subscriber was KOWALCZYK, and that XXXX6 S. Keystone Court was a known previous location for KOWALCZYK and his family members.

8. On May 11, 2020, FBI agents and officers from the Clinton Township Police Department approached XXXX6 S. Keystone Court, Clinton Township, MI, and found that KOWALCZYK still resided there. Upon being shown the above-referenced post, KOWALCZYK confirmed that he was the one who made the post. KOWALCZYK stated that he was “testing the government” and was upset that the FBI did not respond promptly. Furthermore, he claimed that he did not intend to carry out acts of violence against anyone and did not own any weapons or explosive devices. KOWALCZYK stated that he would not post anything further.

9. However, after his interview was concluded, KOWALCZYK logged back onto Twitter and posted the following tweet at approximately 11:56 a.m. that

same day: “ If someone is making death threats doesn’t matter how bad it is a cop should still show up to the house n check everything the the FBI took 15 hours!!!! N didn’t send a cop to check up on the house that’s retarded”:



10. Later that day, KOWALCZYK posted the following tweet at 12:17 p.m: “[emoji] man I find it so funny how I wasted the FBI time”:



11. KOWALCZYK posted the following tweet at 1:37 p.m. that day: “Btw since I know the FBI is now watching my Twitter post they are forced to read my post [emoji] bc im now being investigated by the FBI (don’t regret it I want to be investigated so I can fuck with them) [emoji] they have to read every single one just to make sure im not up to anything”:



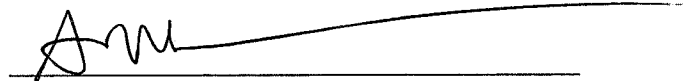
12. Then at 1:41 p.m. that day, KOWALCZYK posted on Twitter: “...my plan was to see if the FBI would show up to a death threat in matter of time (which they didn’t [emoji]) n since they didn’t I’m gonna fuck with them”:



III. CONCLUSION

13. Probable cause exists that JOSEPH KOWALCZYK violated 18 U.S.C. § 875(c), transmission of a threat to injure.

Respectfully submitted,



Anthony M. Resendez, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
and/or by reliable electronic means.



HON. R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

DATE: May 12, 2020